

REMARKS

Claims 1, 5 and 27-31 are pending. No new matter has been added.

Rejections under 35 U.S.C. § 102

Claims 1, 5 and 27-31 are rejected under 35 U.S.C. § 102(b) as anticipated by Chandler (US Patent 5,468,648).

Claim 1 requires an assay device for detecting an analyte in a liquid sample. The device comprises a nitrocellulose strip, which is substantially opaque in a dry state and translucent when contacted by the liquid sample. The nitrocellulose strip has an upper surface, a lower surface, and a line printed or deposited on the lower surface. In use, the liquid sample contacts and migrates along the nitrocellulose strip. The line is visible to a user when the nitrocellulose strip is translucent.

Chandler describes a device comprising a first opposable component including at least one chromatographic medium, and a second opposable component including an absorber. Chandler discloses a first opposable component including a printed limit line. The limit line is located between the detection zone and the second conductor (Chandler, column 26, lines 36-39). Chandler does not disclose that the printed limit line is located on a lower surface of the first opposable component. Thus Chandler does not disclose or suggest a device with a nitrocellulose strip having an upper surface, a lower surface, and a line printed or deposited on the lower surface, as required by claim 1. As Chandler does not disclose or suggest every limitation of independent claim 1 and the claims dependent thereto, the present claims are not anticipated by Chandler.

Reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
FOLEY, HOAG LLP

Dated: December 28, 2009

Respectfully submitted,

Customer No: 63737

By /Beth E. Arnold/

Registration No.: 35,430
FOLEY HOAG LLP
Patent Group
155 Seaport Blvd
Boston, Massachusetts 02210
Tel.: (617) 832-1000
Fax: (617) 832-7000
Attorney for Applicants